

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

FRANCISCO VIDAL,

Plaintiff

Case No. 2:19-cv-02116-KJD-NJK

ORDER

v.

ROBERSON et al.,

Defendants

**I. DISCUSSION**

According to the Nevada Department of Corrections (“NDOC”) inmate database, Plaintiff is no longer incarcerated. However, Plaintiff has not filed an updated address with this Court. The Court notes that pursuant to Nevada Local Rule of Practice IA 3-1, a “pro se party must immediately file with the court written notification of any change of mailing address, email address, telephone number, or facsimile number. The notification must include proof of service on each opposing party or the party’s attorney. Failure to comply with this rule may result in the dismissal of the action, entry of default judgment, or other sanctions as deemed appropriate by the court.” Nev. Loc. R. IA 3-1. This Court grants Plaintiff thirty (30) days from the date of entry of this order to file his updated address with this Court. If Plaintiff does not update the Court with his current address within thirty (30) days from the date of entry of this order, the Court will dismiss this action without prejudice.

Additionally, the Court denies the applications to proceed *in forma pauperis* for prisoners (ECF Nos. 8, 9) as moot because Plaintiff is no longer incarcerated. The Court now directs Plaintiff to file an application to proceed *in forma pauperis* by a non-prisoner within thirty (30) days from the date of this order or pay the full filing fee of \$400.

The Court also denies Plaintiff’s “emergency motion” (ECF No. 2) as moot because Plaintiff is no longer incarcerated. *Cf. Johnson v. Moore*, 948 F.2d 517, 519-22 (9th Cir. 1991) (holding that claims for injunctive relief related to a prison’s policies are moot where

1 a prisoner has been transferred to another facility and shows no reasonable expectation  
2 of return). The Court notes that, even if Plaintiff were still incarcerated, the Court would  
3 have denied the emergency motion on its merits because a false notice of charges does  
4 not demonstrate irreparable harm in the absence of preliminary relief. See *Am. Trucking*  
5 *Ass'ns, Inc. v. City of Los Angeles*, 559 F.3d 1046, 1052 (9th Cir. 2009) (quoting *Winter*  
6 *v. Natural Res. Defense Council*, 555 U.S. 7, 20 (2008)) (holding that “[a] plaintiff seeking  
7 a preliminary injunction must establish that he is likely to succeed on the merits, that he  
8 is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of  
9 equities tips in his favor, and that an injunction is in the public interest”).

## 10 II. CONCLUSION

11 For the foregoing reasons, it is ordered that Plaintiff will file his updated address  
12 with the Court within **thirty (30) days** from the date of this order.

13 It is further ordered that Plaintiff’s applications to proceed *in forma pauperis* for  
14 prisoners (ECF Nos. 8, 9) are denied as moot.

15 It is further ordered that the Clerk of the Court will send Plaintiff the approved form  
16 application to proceed *in forma pauperis* by a non-prisoner, as well as the document  
17 entitled information and instructions for filing an *in forma pauperis* application.

18 It is further ordered that within **thirty (30) days** from the date of this order, Plaintiff  
19 will either: (1) file a fully complete application to proceed *in forma pauperis* for non-  
20 prisoners; or (2) pay the full filing fee of \$400.

21 It is further ordered that, if Plaintiff fails to timely comply with this order, the Court  
22 will dismiss this case without prejudice.

23 It is further ordered that the “emergency motion” (ECF No. 2) is denied as moot.

24  
25 DATED THIS 13 day of May 2020.

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28 UNITED STATES DISTRICT JUDGE